

EXHIBIT L

KAZEROUNI LAW GROUP, APC
6069 South Fort Apache Road, Suite 100
Las Vegas, Nevada 89148

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Karla Gonzalez and Jaime)
Retiguin Barba, Sr.,)
)
Plaintiffs,)
)
vs.) Case No. 2:16-cv-
) 02909-MMD-VCF
Allied Collection Services,)
Inc.,)
)
Defendant.)
)

DEPOSITION OF ALLIED COLLECTION SERVICES, INC.
by ALLISON SMITH

Taken at the Law Offices of Kazerouni Law Group, APC
6069 South Fort Apache Road, Suite 100
Las Vegas, Nevada
On Monday, January 22, 2018
At 10:00 a.m.

Reported by: Margie L. Carlson
C.C.R. No. 287

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I N D E X

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EXHIBITS	MARKED
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16		Opposition to Motion for	
17		Leave to Place on Calendar	
18		for the Purpose of Opposing	
19		Defendants Claimed Exception	
20		Pursuant to NRS 21.090,	
21		Counter Motion for Case	
22		Termination, Debt to be	
23		Removed from Collection,	
24		Reimbursement for Payment's	
25		Defendant Made, and	
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1 Whereupon,

2 ALLISON SMITH,
3 having been first duly sworn to testify to the
4 truth, the whole truth and nothing but the truth,
5 was examined and testified as follows:

6
7 MS. FOLEY: Before we begin, I'm Margaret
8 Foley, counsel for Allied and just wanted to state
9 our prior conversation on the record with regard to
10 some of the 30(b)(6) topics.

11 No. 2 asks for defendant's investigations
12 into the claims made by plaintiffs in plaintiffs'
13 complaint, referring to the FDCPA I believe and any
14 subsequent pleadings and briefing. Our witness
15 today is Miss Allison Smith, she's a nonattorney so
16 she will not testify to legal questions and legal
17 strategy. That's not her role.

18 Likewise No. 8, defendant's policies,
19 procedures, and practices, relating to compliance
20 with the Federal Fair Debt Collection Practices Act,
21 to the extent these questions are of a legal
22 question nature, Miss Allison is not going to be
23 able to respond to them.

24 And likewise for No. 9, defendant's
25 repeated opposition to Plaintiff Gonzalez's attempts

1 to be exempt from execution, including Gonzalez's
2 claims that the debt had been paid, this appears to
3 be purely legal strategy, and again Miss Smith is
4 not able to testify as to legal strategy. She's not
5 a lawyer.

6 Thank you. Please go ahead.

7

8 EXAMINATION

9 BY MR. KIND:

10 Q. Would you please state your name and
11 spell it for the record?

12 A. My name is Allison Smith, A-l-l-i-s-o-n;
13 last name S-m-i-t-h.

14 Q. Have you ever had a deposition before?

15 A. In my, I think a phone deposition in a
16 personal injury case.

17 Q. Was it related to Allied Bank or was
18 it --

19 A. No.

20 Q. How long ago was that?

21 A. I want to say it was approximately a year
22 or two.

23 MS. FOLEY: And I just want to caution
24 you to let him finish his question before you
25 answer. Don't jump in. You might know where it's

1 documents you have here to present to me.

2 Q. Not much else. There's a patient face
3 sheet. There's a patient ledger.

4 A. So do you see the previous Exhibit 12
5 that you gave me for the account that's not related
6 to the confession of judgment at all?

7 Q. Let's see here. Okay.

8 A. It's this (indicating) one. The client
9 would provide some sort of itemized document like
10 this.

11 Q. So every time the collector calls the
12 consumer, the collector has to pull up a pdf of that
13 and see what his balance is?

14 A. No, you asked where we would get the
15 balance from. Upon data entry into our system
16 there's a document that shows the balance. That
17 balance gets put into our system, so that's what the
18 debt collector would pull up.

19 Q. Where does it get put into the system?

20 A. Through data entry.

21 Q. Which part of the system does this
22 information go in?

23 A. Debtmaster.

24 Q. Okay. So exhibits, this Exhibit 13, the
25 debtor history report, this is a printout from

1 Debtmaster?

2 A. Correct.

3 Q. And then the patient face sheets, those
4 are also from Debtmaster?

5 A. I have no idea. What patient face
6 sheets? What exhibit is this?

7 Q. It's not an exhibit. I'll add it later,
8 but are you familiar with the idea of a patient face
9 sheet?

10 A. Yes.

11 Q. Those are kept in Debtmaster?

12 A. No, these are the documents that are
13 provided by our client that are then scanned in.

14 Q. So you said that when documents
15 originally come from the client the balance is
16 entered as information into Debtmaster, correct?

17 A. Yes.

18 Q. Is there a report that you print out from
19 Debtmaster so that way I could see that information?

20 A. Yes, if you print out debtor history
21 report the day that it's entered it would show right
22 there what the principal amount is.

23 Q. So you're pointing to the first page?

24 A. Yes, so this debtor history report is
25 only going to reflect information as of the balance,

1 as of the date that the report is printed out, so
2 that's why the balance, you see those, all those
3 accounts that are listed, that's why as of
4 December 21st, 2016, there were only two that
5 remained open, one on the judgment, and the one that
6 was prior to and was not included nor had anything
7 to do with the confession of judgment, 'cuz all the
8 other accounts had been paid in full as of that day,
9 so there's not an individual note, which I believe
10 that's what you're looking for. There's not an
11 individual note as to the balance.

12 Q. How does Allied make money on this
13 Mendoza account? Does it get a certain percentage?

14 A. I do not know. That is not something
15 that I have anything to do with. That has to do
16 with our client services department that has the
17 client contact. That has nothing to do with me.

18 MS. FOLEY: Can we go off the record for
19 a moment?

20 MR. KIND: Sure.

21 (Whereupon, a recess was taken from
22 2:00 p.m. to 2:03 p.m.)

23 MR. KIND: Off the record we discussed
24 between counsel that there are certain documents
25 that may still exist relating to calculations of the

1 particular accounts in this case and original
2 documents from the clients and other documents
3 relating to that, and then I mentioned that there
4 was a meet and confer about this particular issue,
5 and we're going to just leave these questions for
6 now open, and then hopefully more documents will
7 come in, and then we'll see how to proceed from
8 there. You can correct me if I'm --

9 MS. FOLEY: Sure, just wanted to add that
10 after following the meet and confer we produced
11 additional numerous documents, and we're trying to
12 see if something is missing from the file, and we'll
13 diligently do that and report back.

14 MS. TOMOLO: Yeah.

15 MR. KIND:

16 Q. All right, so back to Exhibit 17, do you
17 see over here on the very first line it says
18 May 14, 2015?

19 A. Yes.

20 Q. And that looks to be the date of service
21 at Sunrise Hospital?

22 A. Yes.

23 Q. And this mentions anesthesia, surgery,
24 surgical lower abdomen, yeah?

25 A. Yes.

1 Q. Now, on Exhibit 13 for the Charles
2 Mendoza it says the service date was May 14, 2015.
3 Do you see that?

4 A. Yes.

5 Q. Okay. Now, going down to the middle of
6 the page do you see it says August 9, 2016?

7 A. Yes. It says that a few times.

8 Q. August 9, 2016, there's a transaction
9 amount for \$685.44?

10 A. Yes.

11 Q. And that is the same amount that your
12 notes show was received in August, 2016, correct?

13 A. Yes.

14 Q. So, you know, I'm leading you a bit, it's
15 true, and maybe you don't know what this is, but do
16 you have any reason to believe that this Exhibit 17
17 is not relating to the Mendoza account?

18 A. It may be.

19 Q. And the number seems to be the same?

20 A. Yes.

21 Q. Now down on page No. 3, we are still on
22 Exhibit No. 17, so do you see the very last line, it
23 has a zero balance?

24 A. Yes.

25 Q. And that is September 7, 2016; do you see

1 MR. KIND:

2 Q. Do you know what this is?

3 A. This would be a form that we request the
4 constables to have signed for accountability
5 purposes when serving a garnishment.

6 Q. Do you have one of these for the Bank of
7 America garnishments?

8 A. I no longer have the file so I'm not
9 sure.

10 Q. But this is for every time there is a
11 writ that's sent out?

12 A. Yes, we normally send one of these. It's
13 done by personal service.

14 MR. KIND: Okay. I have no further
15 questions for now, but I would like to put on the
16 record that there are certain documents that were
17 discussed off the record, as we said before, and
18 there was a lot of questions also where the witness
19 didn't know the answer, and a part of that seems to
20 be because of those documents, specifically I'm
21 talking about accounting, full ledgers, and
22 accounting of the three accounts at issue in this
23 case, and I'm therefore going to keep the deposition
24 open and not close it for the purpose of recalling
25 the witness after I see those documents.

1 MS. FOLEY: And for the record the
2 counsel seems to presume that certain accounting
3 documents exist that may or may not exist, and we
4 will certainly try to find them, but we may not have
5 any such documents.

6 MR. KIND: All right, do you have any
7 questions?

8 MS. FOLEY: No.

9 MS. TOMOLO: I don't know if you want to
10 make a record about Allison's --

11 MS. FOLEY: Let's just do that on the
12 record. Allison is leaving, is having major surgery
13 next month and will be out for several weeks so
14 beginning February --

15 THE WITNESS: 6.

16 MR. KIND: All right, if there is nothing
17 else let's go off the record and conclude the
18 deposition for now.

19 (Whereupon, the deposition
20 was concluded at 5:23 p.m.)
21
22
23
24
25

REPORTER'S CERTIFICATE

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

I, Margie L. Carlson, CCR No. 287, do hereby
certify:

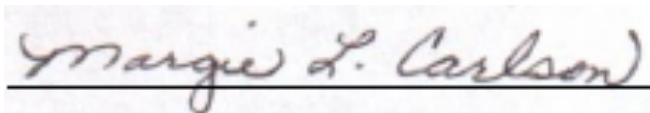
That I reported the taking of the deposition
of the witness, ALLISON SMITH, commencing on
January 22, 2018, at the hour of 10:00 a.m.

That prior to being examined, the witness was
duly sworn to testify to the truth and that I
thereafter transcribed said stenotypy notes and said
deposition is a complete, true, and accurate
transcription of said stenotypy notes taken down at
said time.

The witness and/or a party has not requested
to read and sign the deposition transcript.

I further certify that I am not a relative or
employee of any party involved in said action, nor a
person financially interested in the action.

Dated at Las Vegas, Nevada, this 3rd day
of February, 2018.

A handwritten signature in cursive script, reading "Margie L. Carlson", is written over a horizontal line.

Margie L. Carlson
CCR No. 287